

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT
FILED AT WHEELING, WV
JUN 14 2010
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

In the Matter of the Search of

Katherine A. Hoover's residence,
Lost Creek, Harrison County,
West Virginia.

Case No. 1:10 M 39

Judge James E. Seibert

MOTION TO VACATE SEARCH AND SEIZURE WARRANT OF
MARCH 1, 2010 AND FOR REMEDIAL ACTION

NOW COMES Katherine A. Hoover MD, pro se, and hereby requests that this Court vacate the search warrant signed on March 1, 2010 because this court lacked subject matter jurisdiction. Further, the Court failed to verify the information provided and its jurisdiction. The Court has failed to protect the innocent patients of the practice at 35 West Third Ave. Williamson, WV and other innocent victims. The action by the Court violates treaty. As the Court is aware, treaty law super-cedes constitutional law and eliminates immunity. The Court produced a fraudulent document by signing the search and seizure warrant on March 1, 2010 because the affidavits produced were fraudulent and the court lacked subject matter jurisdiction

Count I: Fraudulent Seizure Warrant

The Court could not have reviewed the affidavits properly because the alleged affidavits contained false information. No business related to the office at 35 West Third Ave. in Williamson was conducted in Harrison County. All moneys deposited in WesBanco were from the settlement from our lawsuit against the Jail Authority (USDC Northern district of W.V. 07-C-47).

Count II: Lack of Subject Matter Jurisdiction

The State of West Virginia makes it illegal to lie or withhold information from a doctor to obtain narcotics. The penalties against such persons, including informants, were strengthened this year by Senate Bill 362 which goes into effect June 11, 2010. The law was in effect when the informants lied to Dr. Hoover and her associates. Therefore, Assistant Prosecutor Monica Schwartz and anyone else involved in lying to a doctor are guilty.

The United State Supreme Court in Gonzales v. Oregon 546 U.S. 243 eliminated federal jurisdiction over doctors who prescribed legal medications. The DEA may issue DEA numbers to physicians, but the ability to regulate medical practice is limited to the states.

The invasion of the office at 35 West Third Ave. Williamson, WV (the office) was a violation of international treaties to which the United States is a signatory. The search and seizure and enforced closure of the office eliminated medical care and pain treatment for many patients directly and 100,000's of patients indirectly. Doctors everywhere in the United States are afraid to treat pain patients. With violation of treaty law, all immunities are lost and federal jurisdiction is eliminated.

Count III: Contempt of Court by Ms. Monica Schwartz

Ms. Monica Schwartz, assistant prosecutor for the Southern District of West Virginia, is guilty of using the color of her office to illegally, without subject matter jurisdiction, entrap doctors in violation of West Virginia law and federal law. Ms. Schwartz knowingly filed fraudulent documents with this Court to illegally obtain documents, money, vehicles, and property. Ms. Schwartz knew she lacked subject matter jurisdiction, but she proceeded anyway. Ms. Schwartz failed to provide a list of the items seized. Ms. Schwartz did not send a copy of the search and seizure warrant for the bank accounts, the office, or my bedroom at Dr. Shafer's. There was no list for the items stolen(no warrants were issued) from our boat in Green Cove Springs, Florida or our condo in Hollywood, Florida.

There have been multiple entries onto our property in Harrison County after the expiration date of the search warrant. Approximately, two weeks after the original search and theft of our property, our house and apartment were broken into and some items were returned. Letters that written to Dr. Hoover and her husband John Tomasic by Bob Wilson about their son's murder were returned. These letters had been stolen prior to the filing of 07-C-47 in the U.S. District Court for the Northern District of WV in Harrison County. (The law suit was regarding the murder of our son Michael Tomasic by the Correctional officers at NCRJ.) All of Vincent Knapp's mail was returned. The next break-in happened approximately six weeks after the initial search and seizure. The two deeds to our Harrison county property had been removed during the first search and seizure. They were returned. The Crown Grant to our Bahamian property had been thrown around on March 2, 2010 and the sealed portion taken. Mr. Tomasic, my husband, made copies

of what was left. Every part including the copies were stolen this time (approximately mid-May), but a small portion was returned.

Our boat in Green Cove Springs, Florida was broken into and the phone numbers to federal agents and other information regarding the search and seizure, including the list of property taken from our son Steve Tomasic's apartment, were stolen. This happened shortly after March 2, 2010. Three weeks ago, our boat was broken into again and my husband's computer was stolen and two cell phones. While I was on the phone with my husband, the informant came and spoke to my husband. The informant stated that he knew where his Macbook pro was. After threatening to call the police, Steve (the Informant) returned the computer. The lid to the computer was damaged, spyware had been installed, Gonzales v. Oregon was on the flash memory and all information from the end of February to the end of March was removed from the hard drive.

Prior to the search and seizure of March 2, 2010, my notebook was stolen. This notebook contained the names and phone numbers regarding allegations of drug use and cocaine sales by Judge Michael Thornsby and Prosecutor Michael Sparks. Judge Thornsby had the evidence to rule for me against the West Virginia Board of Medicine in the Order that he issued on December 6, 2009. He could have and should have used this evidence to sunset the Board, but he did not. This ruling reversed his previous position and coincided with Ms. Schwartz's action against me. Also, in my notebook were notes regarding police and jail brutality.

Count IV: Fraud by DEA, FBI, and State Police

Ms. Monica Schwartz informed Mr. Tomasic and myself on separate occasions, that a state trooper filed an affidavit stating that the award from our law suit 07-C-47 USDC for NDWV was put in a trust and that some how the money in our WesBanco account in the amount of \$85,127.08 was illegal (seizure number: 3650-1-1142, asset ID number 10FBI-002597). This is clearly fraud because my husband's entire check from the law suit, nearly \$200,000, was deposited into this account. There never was a trust.

Prior to filing our law suit all of our information regarding our son's murder was stolen in a very professional manner. I filed a report regarding the theft with the West Virginia state police, the Bridgeport office. The FBI and the prosecutor for the Northern District joined this seizure with the law suit against the Jail Authority by returning certain documents to the exact location from which they were stolen. The FBI failed to investigate the murder of our son by the correctional officers and instead relied on the

falsified Shafer report. We have a copy of the original Shafer report in our possession.

On July 18, 2008, my husband and I were poisoned during his deposition in our law suit against the Jail Authority, et al. I was deathly ill and still suffer the consequences of this poisoning. My husband and I feel that our lives are at risk still. We have uncovered documentary evidence that Dr. Kaplan, the state medical examiner, is conspiring with the Jail Authority to cover up murders committed by correctional officers in West Virginia jails. THE HIPPA act is used to hide the evidence. My husband and I intervened to prevent that in our son's murder.

Count V: Judge Goodwin

Federal Judge Goodwin of the Southern District of West Virginia made outrageous public statements concerning the physicians of southern West Virginia. These statements cast a strong bias against doctors who treat pain in good faith. This statement of bias is sufficient grounds to request that Judge Goodwin step down from the bench.

CONCLUSION

The judiciary at both state and federal levels has a serious lack of ethics. The allegations made are both jurisdictionally correct and provable. The judges have an obligation to vacate the search and seizure warrants and return everything that was taken including the items stolen and not placed on a list. Monica Schwartz and others are guilty of fraud and therefore contempt of court. The Court must order the formation of a special task force on human rights to investigate and prosecute all the concerns raised in this document. To do less than form a task force is a human rights violation which eliminates federal judicial jurisdiction and immunity.

WHEREFORE, Katherine A. Hoover MD requests that this Court find Ms. Monica Schwartz in Contempt of Court, that a proper investigation be done regarding multiple human rights violations, and that all property be returned and damages paid for property damage and lost wages.

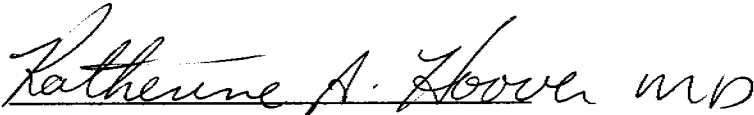
Respectfully submitted,

Katherine A. Hoover MD

Katherine A. Hoover MD
c/o Dr. Norman Gay
247 West Bay Street
Nassau, N.P. Bahamas
242-525-4018

CERTIFICATE OF SERVICE

I, Katherine A. Hoover MD, hereby swear that I have had mailed a true and correct copy of the MOTION TO VACATE THE SEARCH AND SEIZURE WARRANT OF MARCH 1, 2010 on June 10, 2010 to the Prosecuting attorney for the Northern District of West Virginia.

A handwritten signature in cursive script that reads "Katherine A. Hoover MD".

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c/o Dr. Norman Gay
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Nassau, Bahamas
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